

**FILED**

NOV 19 2013

**N.J. BOARD OF NURSING**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
ANITA LENORA SELPH, LPN	:	
License No. 26NP04195400	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Anita Lenora Selph ("Respondent") is licensed as a licensed practical nurse in the State of New Jersey and has been a licensee at all relevant times.

2. On or about May 31, 2011, Respondent completed her biennial license renewal application online. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011?" Respondent answered "yes" and certified that answer to be true by submitting the online application.

3. The Board received information indicating that Respondent was arrested on November 7, 2012 in Newark and charged with shoplifting. On or about November 19, 2012, the Board sent Respondent a letter requesting information regarding her arrest, her nursing employment, and her continuing education.

4. Respondent provided the Board with a one page document indicating that the shoplifting charge was dismissed on December 31, 2012. However, Respondent did not provide responses to any of the other questions within the Board's request, including the request that she provide copies of certificates of completion for all continuing education completed within the last three years.

5. On or about May 30, 2013, Respondent completed her biennial license renewal application online. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2013?" Respondent answered "no" and certified that answer to be true by submitting the online application.

#### CONCLUSIONS OF LAW

Respondent's failure to fully respond to the Board's request for information constitutes a violation of N.J.S.A. 45:1-21(h) in that Respondent has failed to cooperate with the Board's investigation in contravention of N.J.A.C. 13:45C-1.2 and 1.3.

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period.

Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

By virtue of having failed to respond to that portion of the letter of inquiry requesting continuing education, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed any continuing education required for the June 1, 2009 - May 31, 2011 biennial renewal period. Respondent's failure to complete 30 hours of continuing education during the June 1, 2009 - May 31, 2011 biennial period and 30 hours of continuing education during the June 1, 2011 - May 31, 2013 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h).

Further, the Board finds that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, when she did not complete the required continuing education,

constitutes the use or employment of dishonesty, deception, or misrepresentation within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 11, 2013, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$450.00 in civil penalties. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent responded to the Provisional Order, and documented completion of thirty (30) hours of continuing education in the current, June 1, 2013-May 31, 2015 renewal period. However, although these hours may be used to satisfy the 2009-2011 renewal requirements, they are insufficient to satisfy the 2011-2013 renewal requirements. Moreover respondent did not provide information requested by the Board relating to her arrest, such as

a legible copy of the municipal complaint and police report, the name and address of her current nursing employer, and a detailed narrative statement explaining the facts and circumstances relating to her arrest. These deficiencies were not addressed by respondent even after a D.A.G. spoke to her by telephone to advise her that her response to the Board was insufficient. Therefore, the Board determined that additional proceedings were not necessary, and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19<sup>th</sup> day of November, 2013,

ORDERED that:

1. Respondent's license to practice as a licensed practical nurse is hereby suspended until such time as Respondent cooperates with the Board's investigation by providing a full and complete response to the Board's letter of inquiry and until Respondent provides proof of completion of 30 hours of continuing education to be applied to the June 1, 2009 - May 31, 2011 biennial period and 30 hours of continuing education to be applied to the June 1, 2011 - May 31, 2013 biennial period. Continuing education completed after May 31, 2013 and applied to cure any deficiency of previous biennial periods shall not be used to satisfy the requirements of the current biennial period.

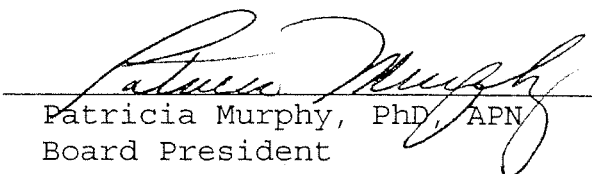
2. A civil penalty in the total amount of four hundred and fifty dollars (\$450) is hereby imposed upon Respondent, which includes a civil penalty of two hundred fifty dollars (\$250) for

failing to timely complete her continuing education requirements and a civil penalty in the amount of two hundred dollars (\$200) for failure to fully cooperate with the Board's request for information. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Respondent is hereby reprimanded for her violation of N.J.S.A. 45:1-21 (b).

4. Respondent shall refrain from practicing as a licensed practical nurse in the State of New Jersey and shall not represent herself as a licensed practical nurse in the State of New Jersey until such time as Respondent's license is reinstated. Any practice in this State prior to reinstatement shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF NURSING

By:   
Patricia Murphy, PhD, APN  
Board President